

Executive Summary – Enforcement Matter – Case No. 48140
Midfield Water Supply Corporation
RN102095023
Docket No. 2014-0081-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Midfield Community, located 1,200 feet southwest of the intersection of State Highway 71 and State Highway 111, Matagorda County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 16, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$48,488

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,581

Total Due to General Revenue: \$46,907

Payment Plan: 29 payments of \$1,563 each and 1 payment of \$1,580

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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RN102095023
Docket No. 2014-0081-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 8, 2013

Date(s) of NOE(s): January 7, 2014

Violation Information

1. Failed to properly operate and maintain the Facility which resulted in the discharge of sewage sludge into water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013091001, Permit Conditions No. 2.d and Operational Requirements No. 1].
2. Failed to comply with permitted effluent limitations for chlorine residual, flow, total suspended solids, and biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013091001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
3. Failed to properly analyze effluent samples [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), TPDES Permit No. WQ0013091001, Monitoring and Reporting Requirements No. 2.a.].
4. Failed to initiate engineering and financial planning for expansion and/or upgrading of the Facility when the effluent flow measurements reached 75% of the permitted flow limit for three consecutive months and to obtain necessary authorization from the TCEQ to commence construction of the necessary additional treatment and/or collection units when reaching 90% of the permitted flow for at least three consecutive months [30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a), TPDES Permit No. WQ0013091001, Operational Requirements No. 8.a.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By November 19, 2013, replaced the chlorine residual secondary standards used for chlorine meter calibration;
- b. By December 2, 2013, removed and disposed of all sludge from the chlorine contact basin; and

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c. By September 9, 2014, applied for and obtained approval of a waiver from the requirement of 30 TEX. ADMIN. CODE § 305.126.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all Facility operational procedures are properly accomplished, including procedures for the prevention of the unauthorized discharge of sewage sludge into water in the state.
- b. Within 45 days, submit written certification of compliance with a.
- c. Within 45 days, complete remediation of the receiving stream by removing and disposing of sewage sludge and related materials ("removed materials") from the impacted portions of the receiving stream. Disposal of any removed materials shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface water or groundwater. The Facility shall maintain written records of the location, nature and amount of each type of sludge or other deposits removed, the technique used for removal and transport, and the ultimate disposal site.
- d. Within 60 days, submit written certification of compliance with c.
- e. Within 270 days, submit written certification of compliance with all permit limitations and requirements of TPDES Permit No. WQ0013091001, including specific corrective actions that were implemented at the Facility to achieve compliance with all permit limitations and requirements, including the prevention of the discharge of sewage sludge into water in the state.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

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Midfield Water Supply Corporation
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Docket No. 2014-0081-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: James Boyle, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-2527; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Evelyn Yoxtheimer, Secretary, Midfield Water Supply Corporation, P.O.
Box 94, Midfield, Texas 77458
David Woodson, President, Midfield Water Supply Corporation, P.O. Box 94, Midfield,
Texas 77458

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	13-Jan-2014	Screening	16-Jan-2014	EPA Due	
	PCW	4-Apr-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Midfield Water Supply Corporation		
Reg. Ent. Ref. No.	RN102095023		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48140	No. of Violations	4
Docket No.	2014-0081-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$29,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 65.0% Enhancement **Subtotals 2, 3, & 7** \$19,175

Notes Enhancement for six months of self-reported effluent violations, repeat violator status and an unsatisfactory performer classification.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** -\$187

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$897
Approx. Cost of Compliance \$10,150
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$48,488

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$48,488

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$48,488

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$48,488

Screening Date 16-Jan-2014

Docket No. 2014-0081-MWD-E

PCW

Respondent Midfield Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095023

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for six months of self-reported effluent violations, repeat violator status and an unsatisfactory performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 16-Jan-2014

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PCW

Respondent Midfield Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095023

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013091001, Permit Conditions No. 2.d and Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility, which resulted in the discharge of sewage sludge into water in the state. Specifically, during the November 8, 2013 investigation the following was observed: the chlorine contact basin contained 2.5 feet of sludge in a total water depth of 7.5 feet; sewage sludge was discharging from Outfall No. 001 and continuing at least 250 feet downstream; and dense populations of Chironomidae larvae ("bloodworms") in the receiving stream.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3

69 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended from November 8, 2013 investigation date to the January 16, 2014 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$526

Violation Final Penalty Total \$37,125

This violation Final Assessed Penalty (adjusted for limits) \$37,125

Economic Benefit Worksheet

Respondent Midfield Water Supply Corporation
Case ID No. 48140
Reg. Ent. Reference No. RN102095023
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	8-Nov-2013	10-Aug-2014	0.75	\$19	n/a	\$19
Remediation/Disposal	\$6,500	8-Nov-2013	2-Dec-2013	0.07	\$21	n/a	\$21
Remediation/Disposal	\$10,000	8-Nov-2013	25-Sep-2014	0.88	\$440	n/a	\$440
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	8-Nov-2013	10-Oct-2014	0.92	\$46	n/a	\$46

Notes for DELAYED costs

Estimated cost to remove and dispose of sludge from the chlorine contact basin (\$6,500). Date required is the investigation date and the final date is the date the corrective action was completed.
 Estimated costs to update the Facility's operational guidance and conduct training to ensure that all operational procedures are properly accomplished, including procedures for the prevention of the unauthorized discharge of sewage sludge into water in the state (\$500). Estimated costs to complete remediation of the receiving stream by removing and disposing of sludge and related materials ("removed materials") from the impacted portions of the receiving stream (\$10,000). Estimated costs to implement a solids management plan (\$1,000). Date Required is the date of the investigation. Final Date is the anticipated dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$18,000

TOTAL

\$526

Screening Date 16-Jan-2014

Docket No. 2014-0081-MWD-E

PCW

Respondent Midfield Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095023

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013091001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permitted effluent limitations, as documented during an investigation conducted on November 8, 2013, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand (5-Day) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids, flow, and chlorine residual were also evaluated. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4

241 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended for the quarters containing the months of December 2012, and January, February, April, June, July, and September 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$888

Violation Final Penalty Total \$8,250

This violation Final Assessed Penalty (adjusted for limits) \$8,250

Economic Benefit Worksheet

Respondent Midfield Water Supply Corporation
Case ID No. 48140
Reg. Ent. Reference No. RN102095023
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Dec-2012	10-Oct-2014	1.78	\$888	n/a	\$888

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and take necessary corrective actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. The final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$888

Screening Date 16-Jan-2014

Docket No. 2014-0081-MWD-E

PCW

Respondent Midfield Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095023

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(c), TPDES Permit No. WQ0013091001, Monitoring and Reporting Requirements No. 2.a

Violation Description

Failed to properly analyze effluent samples, as documented during an investigation conducted on November 8, 2013. Specifically, the chlorine residual secondary standards used for chlorine meter calibration had expired.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

11 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$187

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on November 19, 2013.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,051

This violation Final Assessed Penalty (adjusted for limits) \$1,051

Economic Benefit Worksheet

Respondent: Midfield Water Supply Corporation
Case ID No.: 48140
Reg. Ent. Reference No.: RN102095023
Media: Water Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	8-Nov-2013	19-Nov-2013	0.03	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for replacing the chlorine residual secondary standards used for chlorine meter calibration. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date 16-Jan-2014

Docket No. 2014-0081-MWD-E

PCW

Respondent Midfield Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 48140

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095023

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 305.126(a), TPDES Permit No. WQ0013091001, Operational Requirements No. 8.a

Violation Description

Failed to initiate engineering and financial planning for expansion and/or upgrading of the Facility when the effluent flow measurements reached 75% of the permitted flow limit for three consecutive months and to obtain necessary authorization from the TCEQ to commence construction of the necessary additional treatment and/or collection units when reaching 90% of the permitted flow for three consecutive months, as documented during an investigation conducted on November 8, 2013. Specifically, the flow at the Facility exceeded both 75% and 90% of the permitted daily average flow limit of 0.03 million gallons per day ("MGD") during the months of July, August and September 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	Single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$2,063

This violation Final Assessed Penalty (adjusted for limits) \$2,063

Economic Benefit Worksheet

Respondent Midfield Water Supply Corporation

Case ID No. 48140

Reg. Ent. Reference No. RN102095023

Media Water Quality

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	30-Sep-2012	9-Sep-2014	1.94	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to apply for and obtain approval of a waiver from the requirement of 30 Tex. Admin. Code § 305.126. Date required is the first month of noncompliance. The final date is the compliance date

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$10

Effluent Violations Table				
Midfield Water Supply Corporation				
RN102095023; Docket 2014-0081-MWD-E				
TPDES Permit No. WQ0013091001				
	Chlorine Residual Minimum SG Concentration	Flow DAV	Biochemical Oxygen Demand (5-Day) SG	Total Suspended Solids SG
Month/Year	Limit = 1 mg/L	Limit = 0.03 MGD	Limit = 65 mg/L	Limit = 60 mg/L
December 2012	0.77	c	c	c
January 2013	0.79	0.033	c	c
February 2013	0.84	c	c	c
April 2013	0.96	c	c	c
June 2013	0.36	c	c	c
July 2013	0.48	c	c	c
September 2013	c	0.032	c	c
November 7, 2013*	0.08	N/T	140	146

DAV = Daily Average, SG = Single Grab

mg/L = milligrams per liter

MGD = million gallons per day

c = compliant

N/T = not tested

*Grab sample taken during the November 7, 2013 TCEQ investigation.

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600659429, RN102095023, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600659429, Midfield Water Supply Corporation
Classification: UNSATISFACTORY **Rating:** 59.11
Regulated Entity: RN102095023, MIDFIELD COMMUNITY **Classification:** UNSATISFACTORY **Rating:** 59.11
Complexity Points: 4 **Repeat Violator:** YES
CH Group: 08 - Sewage Treatment Facilities
Location: 1,200 feet southwest of the intersection of State Highway 71 and State Highway 111 in Matagorda County, Texas
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0013091001

WASTEWATER EPA ID TX0098205

WASTEWATER LICENSING LICENSE WQ0013091001

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: February 27, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 27, 2009 to February 27, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jill Russell

Phone: (512) 239-4564

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 05, 2009	(754904)	Item 6	August 16, 2010	(861915)
Item 2	June 01, 2009	(772085)	Item 7	August 20, 2010	(868450)
Item 3	July 08, 2009	(929095)	Item 8	September 14, 2010	(929098)
Item 4	July 28, 2009	(929097)	Item 9	September 22, 2010	(875349)
Item 5	July 19, 2010	(868449)	Item 10	October 20, 2010	(882911)

Item 11	December 13, 2010	(897690)	Item 22	December 12, 2011	(985721)
Item 12	January 20, 2011	(903581)	Item 23	January 19, 2012	(992053)
Item 13	February 11, 2011	(910475)	Item 24	April 11, 2012	(1011473)
Item 14	April 13, 2011	(929094)	Item 25	May 09, 2012	(1017833)
Item 15	May 09, 2011	(939423)	Item 26	June 14, 2012	(1025612)
Item 16	June 16, 2011	(946834)	Item 27	November 12, 2012	(1068097)
Item 17	July 20, 2011	(954089)	Item 28	April 10, 2013	(1097135)
Item 18	August 29, 2011	(960675)	Item 29	June 13, 2013	(1111740)
Item 19	September 15, 2011	(966764)	Item 30	September 11, 2013	(1130980)
Item 20	October 17, 2011	(972746)	Item 31	November 13, 2013	(1142147)
Item 21	November 16, 2011	(978890)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 02/28/2013 (1090789)	CN600659429	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 04/30/2013 (1108157)	CN600659429	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 06/30/2013 (1118641)	CN600659429	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 07/31/2013 (1126430)	CN600659429	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 09/30/2013 (1136734)	CN600659429	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 11/30/2013 (1148589)	CN600659429	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MIDFIELD WATER SUPPLY
CORPORATION
RN102095023**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0081-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Midfield Water Supply Corporation ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located 1,200 feet southwest of the intersection of State Highway 71 and State Highway 111 in Matagorda County, Texas (the "Facility").

2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on November 8, 2013, the TCEQ staff documented that the Respondent did not properly operate and maintain the Facility which resulted in the discharge of sewage sludge into or adjacent to water in the state. Specifically, the following was observed: the chlorine contact basin contained 2.5 feet of sludge in a total water depth of 7.5 feet; sewage sludge was discharging from Outfall No. 001 and continuing at least 250 feet downstream; and dense populations of *Chironomidae* larvae ("bloodworms") in the receiving stream.
4. During an investigation conducted on November 8, 2013, TCEQ staff documented that the Facility did not meet the permitted effluent limitations as shown in the following table:

Effluent Violations Table				
	Chlorine Residual Minimum SG Concentration	Flow DAV	Biochemical Oxygen Demand (5-Day) SG	Total Suspended Solids SG
Month/Year	Limit = 1 mg/L	Limit = 0.03 MGD	Limit = 65 mg/L	Limit = 60 mg/L
December 2012	0.77	c	c	c
January 2013	0.79	0.033	c	c
February 2013	0.84	c	c	c
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November 7, 2013*	0.08	N/T	140	146

DAV = Daily Average, SG = Single Grab

mg/L = milligrams per liter, MGD = million gallons per day

c = compliant

*Grab sample take during the November 7, 2013 TCEQ investigation.

5. During an investigation conducted on November 8, 2013, TCEQ staff documented that the Respondent did not properly analyze effluent samples. Specifically, the chlorine residual secondary standards, used for chlorine meter calibration, had expired.
6. During an investigation conducted on November 8, 2013, TCEQ staff documented that the Respondent did not initiate engineering and financial planning for expanding and/or

upgrading of the Facility when the effluent flow measurements reached 75% of the permitted flow limit for at least three consecutive months and did not obtain authorization from the TCEQ to commence construction of the necessary additional treatment and/or collection units when reaching 90% of the permitted flow for three consecutive months. Specifically, the flow at the Facility exceeded both 75% and 90% of the permitted daily average flow limit of 0.03 million gallons per day ("MGD") during the months of July, August and September 2012.

7. The Respondent received notice of the violations on January 10, 2014.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By November 19, 2013, replaced the chlorine residual secondary standards used for chlorine meter calibration;
 - b. By December 2, 2013, removed and disposed of all sludge from the chlorine contact basin; and
 - c. By September 9, 2014, applied for and obtained approval of a waiver from the requirement of 30 TEX. ADMIN. CODE § 305.126.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to properly operate and maintain the Facility which resulted in the discharge of sewage sludge into water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0013091001, Permit Conditions No. 2.d and Operational Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0013091001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to properly analyze effluent samples, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), TPDES Permit No. WQ0013091001, Monitoring and Reporting Requirements No. 2.a.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to initiate engineering and financial planning for expansion and/or upgrading of the Facility when the effluent flow measurements reached 75% of the permitted flow limit for three consecutive months and to obtain necessary authorization from the TCEQ to commence construction of the necessary additional treatment and/or collection units when reaching 90% of the

permitted flow for at least three consecutive months, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a), TPDES Permit No. WQ0013091001, Operational Requirements No. 8.a.

6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Forty-Eight Thousand Four Hundred Eighty-Eight Dollars (\$48,488) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid One Thousand Five Hundred Eighty-One Dollars (\$1,581) of the administrative penalty. The remaining amount of Forty-Six Thousand Nine Hundred Seven Dollars (\$46,907) of the administrative penalty shall be payable in 29 monthly payments of One Thousand Five Hundred Sixty-Three Dollars (\$1,563) each and one final payment of One Thousand Five Hundred Eighty Dollars (\$1,580). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Forty-Eight Thousand Four Hundred Eighty-Eight Dollars (\$48,488) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Midfield Water Supply Corporation, Docket No. 2014-0081-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all Facility operational procedures are properly accomplished, including procedures for the prevention of the unauthorized discharge of sewage sludge into water in the state, in accordance with TPDES Permit No. WQ0013091001, Permit Conditions No. 2.d.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.f below.
 - c. Within 45 days after the effective date of this Agreed Order, complete remediation of the receiving stream by removing and disposing of sewage sludge and related materials ("removed materials") from the impacted portions of the receiving stream. Disposal of any removed materials shall be carried out in accordance with all applicable rules of the TCEQ and in a manner that prevents contamination of surface water or groundwater. The Facility shall maintain written records of the location, nature and amount of each type of sludge or other deposits removed, the technique used for removal and transport, and the ultimate disposal site.
 - d. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c, as described in Ordering Provision No. 2.f below.
 - e. Within 270 days after the effective date of this Agreed Order, submit written certification of compliance with all permit limitations and requirements of TPDES Permit No. WQ0013091001, including specific corrective actions that were implemented at the Facility to achieve compliance with all permit limitations and requirements, including the prevention of the discharge of sewage sludge into water in the state, as described in Ordering Provision No. 2.f below.
 - f. The certifications required by Ordering Provision Nos. 2.b, 2.d, and 2.e shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with all permit requirements and to complete remediation of the receiving stream, and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the

Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Donna Monahan Jr
For the Executive Director

9/2/16
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Midfield Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Midfield Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Midfield Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

David Woodson
Signature

4-6-16
Date

David Woodson
Name (Printed or typed)
Authorized Representative of
Midfield Water Supply Corporation

president
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order